

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**THE CITY OF NORFOLK, VIRGINIA
and
RICHARD J. HRYNIEWICH**

Plaintiffs,

v.

CIVIL ACTION NO. 2:17cv159

**SAFE BOATS INTERNATIONAL, LLC
and
WILLARD MARINE, INC.,**

Defendants.

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation on Defendant Safe Boats International, LLC's ("SBI") Motion to Dismiss (ECF. No.11), and the City of Norfolk and Richard Hryniewicz's ("Plaintiffs") Motion for Leave to File Supplemental Complaint (ECF. No.19) to add claims for contribution and indemnity against SBI. On July 5, 2017, this matter was referred to a United States Magistrate Judge for a report and recommendation. The Motion to Dismiss was referred pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72 (b), and the Motion for Leave to File Supplemental Complaint was referred by standing order. Both motions were fully briefed and on August 11, 2017, the court heard oral argument.

On August 25, 2017, the Magistrate Judge filed a report recommending that SBI's Motion to Dismiss (ECF. No.11) be **GRANTED**, Plaintiffs' Motion for Leave to File Supplemental Complaint (ECF. No.19) be **DENIED**, and the case be **DISMISSED WITHOUT PREJUDICE** pending the outcome of the underlying personal injury litigation. By copy of the report and

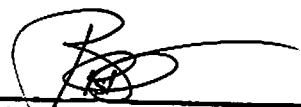
recommendation, each party was advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the report and the time for filing the same has expired.

The Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed August 25, 2017. It is therefore **ORDERED** that Defendant's Motion to Dismiss is **GRANTED**, Plaintiffs' Motion for Leave to File Supplemental Complaint is **DENIED**, and the case is **DISMISSED WITHOUT PREJUDICE**.

The Clerk shall mail a copy of this final Order to counsel for both Parties.

IT IS SO ORDERED.

Norfolk, Virginia
September 15, 2017



Raymond A. Jackson
United States District Judge